

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed May 26, 2005. At the time of the Office Action, Claims 1-3, 5, 8-12, and 14-16 were pending in this Application. Claims 4, 6, 7, 13 and 17 were cancelled due to an election/restriction requirement. Claims 1-3, 5, 8-12, and 14-16 were rejected. Claims 1, 3, 5, 9, 10, 11, 15 and 16 have been amended to further define various features of Applicant's invention. Applicant respectfully requests reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 102

Claims 1-3, 5, 8-12, and 14-16 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 1,235,026 issued Roux. Applicant respectfully traverses and submits the cited art does not teach all of the elements of the claimed embodiment of the invention.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1997). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicant respectfully submits that the cited art as anticipatory by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

Independent Claims 1, 10 and 15 each recite, among other elements, a conducting element (or the use thereof) with a recess formed therein. Specifically, Independent Claim 1 recites, "the conducting element has at least one recess within which the sealing body can be moved in a radial direction." Independent Claim 10 recites, "the conducting element has at least one recess within which the sealing body can be moved in a radial direction." Independent Claim 15 recites, "locating the sealing body in the radial direction in at least one recess provided in a contact arm in the cross-sectional profile of the conducting element."

Examiner cites to Roux as anticipating all of the elements of the present claimed embodiments. Applicant notes that Roux is generally directed at terminal boxes for use with cables. See page 1, lns. 11-24. As shown in the Figures (such as Figures 2 and 4) Roux does not disclose, teach or suggest providing a recess within the conducting element as recited in Independent Claims 1, 10 or 15. Instead, Cable 10 of Roux utilizes a bushing 11 that "fits snugly about the outer surface of the cable." Pg. 2, lns. 56-58 but does not utilize a recess formed in the cable.

Accordingly, Applicant submits that the present rejection under §102 is unsupported. Applicant requests reconsideration, withdrawal of the §102 rejections and full allowance of Independent Claims 1, 10 and 15 and Claims 2, 3, 5, 8, 9, 11, 12, 14 and 16 which depend therefrom.

CONCLUSION

Applicant has now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicant respectfully requests reconsideration of the claims as amended.

Applicant believes there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.2545.

Respectfully submitted,
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